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Address of Mr. Commissioner Casgrain.

The Canadian members of the International Joint Commission desire to express their warm appreciation of the frank and clear statement submitted by the chairman of his views as to the character and scope of the work entrusted to the commission, and they most cordially join in the expression of those sentiments of international good will that exist, and which they feel sure will continue to exist, between the British people and the people of the United States.

We concur with the chairman in the belief that the appointing and bringing together of this commission will go far to settle amicably between two neighbors questions which might otherwise become embarrassing.

We feel sure that working in conjunction with gentlemen who have distinguished themselves in the service of their country, and who are known not only for their profound knowledge of public affairs, but also for the broad spirit with which they approach matters of importance, we will be able to contribute our share towards maintaining that "firm and universal peace between His Britannic Majesty and the United States" of which the Treaty of Ghent speaks.

We are fully alive to the honor and responsibility of the position to which we have been appointed by His Majesty, the King. We are citizens of an integral part of the British Empire, one of the Dominions beyond the Seas, and by the very nature of things, living on this continent and being in constant communication with our good neighbors, the citizens of the United States, we are in a position to see with our own eyes and judge with our own minds what is to the best advantage of the empire we represent For this reason, His Majesty's government, which is ever solicitous of giving to British subjects, in whatever part of the empire they may be, and whatever may be their race, creed or color, the greatest measure of liberty and autonomy, has delegated three of His Majesty's Canadian subjects to meet the delegates of your great republic, and to deal in a fair, impartial and judicial spirit with the important questions mentioned in the treaty.

The people of Canada are largely composed of two races, the French and the English, with different languages and to a large extent different systems of law, but they are firmly united in their adherence to the Crown, and with the rest of the empire they desire that the most amicable relations should forever exist between the high contracting parties whose interests we jointly represent.

SIXTH ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW.

The American Society of Interntaional Law will hold its sixth annual meeting at Washington, April 25–27, 1912, and the entire session will be devoted to consideration of the questions which might properly enter into the program of a Third Hague Conference and the proper organization which the Conference itself should receive. The subject is of very great international importance and is timely, for although the exact date

of the meeting of the conference can not be forecast, it is reasonable to suppose that it will not meet before or much after the year 1915. Although the first conference did not consider the question of its successor, it was felt that a second would inevitably be called. Indeed, Baron de Staal, its president, stated as reported by Mr. Andrew D. White and recorded in his autobiography, that a second conference would probably be called within a year after the adjournment of the first, that is to say, in 1900.[1] No steps were, however, taken, and it was not until 1904 that the question of a second conference was seriously considered. As time slipped by, the partisans of an international conference became uneasy, and in 1903 the American Peace Society presented to the Massachusetts legislature a petition for a stated international congress, requesting the President of the United States to invite the governments to join in the establishment of an international congress to meet at stated periods. In 1904 the Interparliamentary Union held its annual meeting at St. Louis in connection with the World's Fair, and on September 13, 1904, the Honorable Theodore E. Burton moved the following resolutions, which were unanimously adopted:

WHEREAS, enlightened public opinion and modern civilization alike demand that differences between nations should be adjudicated and settled in the same manner as disputes between individuals are adjudicated, namely, by the arbitrament of courts in accordance with recognized principles of law, this conference requests the several governments of the world to send delegates to an international conference to be held at a time and place to be agreed upon by them for the purpose of considering:

1. The questions for the consideration of which the conference at The Hague expressed a wish that a future conference be called.

2. The negotiation of arbitration treaties between the nations represented at the conference to be convened.

3. The advisability of establishing an international congress to convene periodically for the discussion of international questions.

And this conference respectfully and cordially requests the President of the United States to invite all the nations to send representatives to such a conference.

A few days later, on September 24, the resolutions were formally presented to President Roosevelt, who replied:

In response to your resolutions, I shall at an early date ask the other nations to join in a second congress at The Hague. I feel, as I am sure you do, that

[1] "A delegate also informed me that in talking with M. de Staal the latter declared that in his opinion the present conference is only the first of a series, and that it is quite likely that another will be held next winter or next spring." Autobiography of Andrew D. White, Vol. II, p. 272.

our efforts should take the shape of pushing forward toward completion the work already begun at The Hague and that whatever is now done should appear, not as something divergent therefrom, but as a continuance thereof.

On October 21, 1904, Secretary Hay invited the Powers represented at the first conference to a second conference at The Hague, and in a formal note dated December 16, 1904, Secretary Hay was able to state that the proposal had been received with general favor and that no dissent had been expressed. The Russo-Japanese war of 1904–5 had prevented Russia, which convoked the first conference, to take the initiative in summoning a second, but after the conclusion of the war the Czar expressed his willingness and desire to take the necessary steps for the convocation of a second conference, and, as is well known, President Roosevelt chivalrously yielded the initiative.

The first conference had shown the usefulness of such an international assembly and the desire was expressed in official as well as in peace circles generally that arrangements should be made for the stated and automatic meeting of future conferences. In the instructions to the American delegation to the second conference, Secretary Root said:

You will favor the adoption of a resolution by the Conference providing for the holding of further conferences within fixed periods and arranging the machinery by which such conferences may be called and the terms of the programme may be arranged, without awaiting any new and specific initiative on the part of the Powers or any one of them.

Encouragement for such a course is to be found in the successful working of a similar arrangement for international conferences of the American Republic. The Second American Conference, held in Mexico in 1901–2, adopted a resolution providing that a third conference should meet within five years and committed the time and place and the programme and necessary details to the Department of State and representatives of the American States in Washington. Under this authority the Third Conference was called and held in Rio de Janeiro in the summer of 1906 and accomplished results of substantial value. That Conference adopted the following resolution:

> "The Governing Board of the International Bureau of American Republics (composed of the same official representatives in Washington) is authorized to designate the place at which the Fourth International Conference shall meet, which meeting shall be within the next five years; to provide for the drafting of the programme and regulations and to take into consideration all other necessary details; and to set another date in case the meeting of the said conference can not take place within the prescribed limit of time."

There is no apparent reason to doubt that a similar arrangement for successive general international conferences of all the civilized Powers would prove as practicable and as useful as in the case of the twenty-one American states.

Pursuant to these instructions, Mr. Choate, on behalf of the American delegation, discussed the question of future conferences with various members with the result that on September 2, 1907, the conference unanimously adopted in plenary session the following recommendations:

The conference recommends to the powers the assembly of a Third Peace Conference, which might be held within a period corresponding to that which has elapsed since the preceding conference, at a date to be fixed by common agreement between the powers, and it calls their attention to the necessity of preparing the programme of this Third Conference a sufficient time in advance to ensure its deliberations being conducted with the necessary authority and expedition.

In order to attain this object the conference considers that it would be very desirable that, some two years before the probable date of the meeting, a preparatory committee should be charged by the governments with the task of collecting the various proposals to be submitted to the conference, of ascertaining what subjects are ripe for embodiment in an international regulation, and of preparing a programme which the governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested. This committee should further be intrusted with the task of proposing a system of organization and procedure for the conference itself.

The difficulties in the way of securing agreement upon this important subject were explained by Mr. Choate in his address before the American Society for Judicial Settlement of International Disputes [2] at its meeting in Washington on December 17, 1910. It will be noted that the important recommendation does not specify or charge any Power with the duty of calling the conference, but the fact that the second conference was proposed by President Roosevelt is recorded in the opening sentences of the final act of the second conference signed by the delegates of all the nations. It would thus appear that the Powers do not need to wait in the future upon the initiative of Russia and that any Power is free to propose the meeting of the conference whenever it pleases. The second conference was unwilling to fix a precise date for the meeting, but recommended that it "might be held within a period corresponding to that which has elapsed since the preceding conference," that is to say, approximately eight years from 1907. It further recommended that the date should be "fixed by common agreement between the Powers," and it called their attention "to the necessity of preparing the programme * * * a sufficient time in advance to insure its

[2] Proceedings of American Society for Judicial Settlement, pp. 344–347.

deliberations being conducted with the necessary authority and expedition." This latter recommendation is of very great importance because it was evident, even to a casual observer, that adequate preparation had not been made for the discussion of the various proposals contained in the programme. To obviate this defect, which delayed the conference and prolonged its sessions, the conference recommended that "some two years before the probable date of the meeting, a preparatory committee should be charged by the governments with the task of collecting the various proposals to be submitted to the conference, of ascertaining what subjects are ripe for embodiment in an international regulation, and of preparing a programme which the governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested."

Supposing that the conference is to be held on or about the year 1915, the preparatory committee should be appointed in the year 1912, and it is therefore important that in the year 1912, the questions to be included in the programme should be the subject of study and reflection. It is not stated how the preparatory committee is to be formed, but like the date of reunion, it probably will be by common agreement between the Powers, meaning thereby, it is believed, the larger Powers. A committee of 44 or 45 members would be unwieldy, and no doubt the committee ultimately appointed will consist of a much smaller number. The preamble to the final act shows, as has been said, that the second conference was called by the President of the United States, and it would appear that either he or any chief executive can take the initiative. The date of meeting will likely be fixed as recommended by the conference, by a common agreement, and the composition of the preparatory committee will no doubt be the subject of diplomatic negotiations in which the caller of the conference will play a large, if not determinative, rôle.

What subjects should be included, it would be premature and presumptive to outline in this place. It is however appropriate that learned bodies such as the Institute of International Law and the American Society of International Law should consider the matter and make suggestions, and it is to be hoped that publicists of standing in different countries will express their views as to the proposals to be submitted to the conference and as to the subjects which are "ripe for embodiment in an international regulation." In order to contribute its mite of

wisdom, the programme committee of the Society has decided to devote the entire sessions beginning Thursday night and continuing Friday morning and evening, and Saturday morning, April 25–27, to the consideration of a tentative programme of a Third Conference.

If the duties of the preparatory committee were limited to preparing the programme for the third conference, it would have plenty of work to do, but it is entrusted in addition "with the task of proposing a system of organization and procedure for the conference itself." The meaning of this is tolerably clear. The conference is no longer the child of any one Power. It can be proposed by any nation interested in its meeting, and the organization and procedure of the conference are to be determined, not merely by the proposer of the conference as in the past, but by the wit and wisdom of the preparatory committee. It is common knowledge that much dissatisfaction was created at the second conference by the manner in which the presidents were appointed and the conference run by a self-constituted committee of the larger Powers. The time is past for any Power, however great and enlightened, to determine the programme, even in consultation with others, to dominate by the selection of its presiding officers, and to control its deliberations and its results by a system of procedure imposed by any one Power. The effect of the recommendation for the calling of a Third Conference is to internationalize in fact as well as in theory the Hague Conferences and to subject them to the control of the Powers taking part in their proceedings. The American Society of International Law will consider not merely the questions "ripe for embodiment in an international regulation," but also the "system of organization and procedure for the conference itself." As befits an international question, the programme committee has decided that these matters should be discussed from an international point of view, and it is expected that authoritative publicists of Latin America will take part in the proceedings, so that the view presented will be the views not of a section or of a country, but of America as a whole.

It is expected that the members will as usual be received by the President of the United States as honorary president of the Society and the session will end with the customary dinner at which informal addresses will be delivered. The programme will be sent to the members of the Society in sufficient time to enable them to prepare themselves not only to attend, but to take part in the discussion of any phases of the question which may interest them.